UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,801	12/29/2000	Scott D. Leapman	1957	5937

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EXAMINER
LASTRA, DANIEL

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/751,801	LEAPMAN ET AL.
		Examiner	Art Unit	
		DANIEL LASTRA	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 June 2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-5,7-22 and 24-49* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-5,7-22 and 24-49* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All   b) ☐ Some * c) ☐ None of:

　　　　1. ☐ Certified copies of the priority documents have been received.

　　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-5, 7-22 and 24-49 have been examined. Application 09/751,801

(SYSTEM AND METHOD FOR TARGETED ADVERTISING) has a filing date

12/29/2000.

Response to Amendment

2.   In response to Non Final Rejection filed 03/08/2006, the Applicant filed a

Request for reconsideration on 06/06/2006.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

Claims 1-5, 7-22 and 24-43 and 45-49 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Dowling (US 6,522,875) in view of Scimone (US 6,647,410).

As per claims 1, 14, 19 and 28, Dowling teaches:

A method for broadcast advertising to a mobile communication device,

comprising the steps of:

storing acceptance data in the communication device (see Dowling column 9,

line 40 – column 10, line 40);

modifying the acceptance data by integrating at least one entry (see <u>Dowling</u>

column 9, lines 40-65; figure 2, item 105; column 14, line 57 – column 15, line 10) but

fails to teach from a personal information manager. However, <u>Scimone</u> teaches a

personal digital assistance computer (see <u>Scimone</u> column 5, lines 44-47) with personal

information manager software (see <u>Scimone</u> figure 600 "Microsoft Outlook" column 7,

lines 60-65). Users of said PDAs use said PMI software to enter preference data (see

<u>Scimone</u> column 8, lines 45-50), which is used to filter the information that is transmitted

to said users (see <u>Scimone</u> column 9, lines 5-22). <u>Dowling</u> teaches in column 17, lines

60-67 that "In another example the mobile unit 105 is implemented as a palm-pilot or

personal digital assistant computer". Therefore, it would have been obvious to a person

of ordinary skill in the art at the time the application was made, to know that <u>Dowling</u>'s

PDA mobile device would have a PIM software installed in said device, as taught by

<u>Scimone</u> in view that said PIM software would be able to search and obtain external

data from the Internet (see <u>Scimone</u> column 21, lines 50-55) and also in view that said

PIM software would allow users to filter said external data that would be transmitted to

said users in said PDA, as taught by <u>Scimone</u>. <u>Dowling</u> would have been motivated to

include a PIM software in a PDA device in view of society's demand for virtually

instantaneous access to information and to make it easier to access and input data into

said mobile device.

      <u>Dowling</u> teaches:

receiving by the communication device a broadcast advertisement containing advertisement data and comparing the advertisement data to the acceptance data to obtain a comparison result (see Dowling column 9, line 40 – column 10, line 40)

wherein the step of modifying the acceptance data includes converting the at least one entry from an input device into at least one product that corresponds to the at least one entry, and adding the at least one product to the acceptance data to accept advertisements for the at least one product (see Dowling column 9, lines 40-65; column 14, lines 57-67). The Examiner is interpreting the limitation of "converting" in light of Applicant's specification[1] as matching keywords contained in the acceptance data (i.e. keywords provided by the input-output device) with the broadcast-data packet to determine which advertisements would pass through a packet filter.

As per claims 2, 16, 20, 30 and 32, Dowling teaches:

The method of claim 1, wherein the broadcast advertisement is received by the communication device through a wireless communication channel (see column 8, lines 25-45).

As per claims 3 and 21, Dowling teaches:

The method of claim 2, wherein the broadcast advertisement is received by the communication device through one of: a radio transmission, a television transmission, a Bluetooth signal, and an infrared signal (see column 8, lines 25-35).

As per claim 4, Dowling teaches:

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[1] Applicant's specification page 8, lines 15-20; page 9 lines 12-18.

The method of claim 1, wherein the broadcast advertisement is received by the communication device from one of a billboard and a storefront (see column 10, lines 10-40; column 12, lines 60-67).

As per claims 5, 22 and 31, <u>Dowling</u> teaches:

The method of claim 1, wherein the acceptance data comprises preferences for accepting broadcast advertisements specified by a user of the communication device (see column 9, line 40 – column 10, line 39).

As per claims 7, 18 and 24, <u>Dowling</u> teaches:

The method of claim 1, further comprising the step of displaying the broadcast advertisement on the communication device based on the comparison result (see column 9, line 40 – column 10, line 40).

As per claims 8 and 25, <u>Dowling</u> teaches:

The method of claim 1, further comprising the step of storing the broadcast advertisement on the communication device based on the comparison result (see column 10, lines 10-40; column 12, lines 24-31).

As per claim 9, <u>Dowling</u> teaches the method of claim 8, but fails to teach further comprising the steps of: reading deletion data in a stored advertisement, wherein the deletion data indicates criteria for deleting the stored advertisement; and deleting the stored advertisement from the communication device based on the deletion data. However, <u>Scimone</u> teaches a PDA device with personal Information manager software (i.e. Outlook) and where said software deletes items from said PDAs (see <u>Scimone</u> column 13, lines 30-35). Therefore, <u>Dowling</u> would be motivated to indicate criteria of

deleting data in order to free memory space from said PDA's device and allows new advertisements to be stored in said device.

As per claim 10, Dowling teaches:

The method of claim 1, further comprising the step of outputting a notification signal to a user of the communication device if comparison of the advertisement data to the acceptance data is accepted (see column 11, lines 25-54).

As per claims 11, 15 and 29, Dowling teaches:

The method of claim 1, further comprising the step of sending an indicator signal to a source of the broadcast advertisement, wherein the indicator signal notifies the source that the communication device is within a broadcast range of the broadcast advertisement (see column 11, lines 25-40).

As per claims 12 and 26, Dowling teaches:

The method of claim 1, further comprising the step of communicating through the communication device with a wireless positioning system (see column 11, lines 25-40).

As per claims 13 and 27, Dowling teaches:

The method of claim 12, wherein the wireless positioning system is GPS (see column 11, lines 25-40).

As per claims 17 and 48, Dowling teaches the method of claim 14, but fails to teach further comprising the step of modifying the preferences for selecting advertisements specified by the user of the communication device by integrating entries from a personal information manager. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 17.

Claim 33 contains the same limitation as claims 1, 5 and 7 therefore the same rejection is applied.

Claim 34 contains the same limitation as claim 11 therefore the same rejection is applied.

Claim 35 contains the same limitation as claim 2 therefore the same rejection is applied.

Claim 36 contains the same limitation as claim 5 therefore the same rejection is applied.

Claim 37 contains the same limitation as claim 12 therefore the same rejection is applied.

As per claim 38, Dowling teaches:

The method of claim 1, wherein the advertisement data of the broadcast advertisement is capable of generating a display of an advertisement on the communication device (see column 4, lines 45-62).

As per claim 39, Dowling teaches:

The method of claim 1, wherein the advertisement data of the broadcast advertisement is capable of generating a display of an advertisement on the communication device without the communication device receiving additional data (see column 9, lines 55-65).

As per claim 40, Dowling teaches:

The method of claim 1, further comprising the step of displaying an advertisement on the communication device generated from the advertisement data if

the comparison result indicates that the broadcast advertisement meets the acceptance data (see column 9, lines 40-65).

As per claim 41, Dowling teaches:

The method of claim 40, further comprising the step of rejecting the broadcast advertisement for display on the communication device if the comparison result indicates that the broadcast advertisement does not meet the acceptance data (see column 9, lines 40-65).

As per claim 42, Dowling teaches:

The method of claim 1, wherein the advertisement data includes at least one of: a company name, a brand name, information about a product, information about a service, price information, and a deadline for a special offer (see column 4, lines 20-30).

As per claim 43, Dowling teaches:

The method of claim 1, wherein the acceptance data includes at least one of: a company name, a brand name, product information, service information, price information, and a deadline for a special offer (see column 4, lines 20-30).

As per claim 45, Dowling teaches:

The method of claim 1, wherein the step of storing the acceptance data on the communication device comprises manually entering the acceptance data on the communication device by the user (see column 17, lines 45-60).

As per claim 46, Dowling teaches:

The method of claim 1, wherein the step of storing the acceptance data on the communication device comprises selecting by the user the acceptance data from a

predetermined list of acceptance data on the communication device (see column 10, lines 59-61).

As per claim 47, Dowling teaches:

The method of claim 1, wherein the step of storing the acceptance data on the communication device comprises selecting by the user acceptance data from a template of acceptance data on the communication device (see column 10, lines 55-61; column 11, lines 25-54).

As per claim 49, Dowling teaches:

The method of claim 48, wherein the data from the personal information, manager includes an event, and the acceptance data created from the data from the personal information manager regarding the event causes acceptance of broadcast advertisements related to the event (see Dowling column 11, lines 1-54; column 14, lines 57-67).

4.   Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling et al (U.S. 6,522,875) in view of Scimone (US 6,647,410) and further in view of McAuliffe et al (U.S. 5,838,790).

As per claim 44, Dowling teaches:

The method of claim 1, but fails to teach wherein the broadcast advertisement includes an expiration date upon which the broadcast advertisement is purged from the communication device. However, McAuliffe teaches a system where ads are purged from the communication device upon detecting that the ad had expired (see McAuliffe figure 5). Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the application was made, to know that <u>Dowling</u> would delete the ads from the mobile unit upon detecting that the ads had expired, as taught by <u>McAuliffe</u>. <u>Dowling</u> would have been motivated to delete the ads stored in a mobile device upon detecting that said ads had expired in order to free memory space from said mobile device and allows new advertisements to be stored in said device.

Response to Arguments

5.   Applicant's arguments filed 06/06/2006 have been fully considered but they are not persuasive. The Applicant argues that <u>Scimone</u> does not teach "converting the at least one entry from the personal information manager into at least one product that corresponds to the at least one entry, and adding the at least one product to the acceptance data to accept advertisements for at least one product". The Examiner answers that the limitation "converting" is interpreted in light of Applicant's specification[2] as matching keywords contained in the acceptance data (i.e. keywords provided by the input-output device) with the broadcast-data packet to determine which advertisements would pass through a packet filter. The Applicant needs to point to the Examiner where in Applicant's specification the limitation "converting" is disclosed. <u>Dowling</u> teaches that users interested in certain products configures the mobile unit's (*i.e.* PDA[3]) packet filter (*i.e.* user-interest packet) to accept advertisements of said products[4] and <u>Scimone</u> teaches PMI software run in PDAs units, which are used to enter users preference or interest data[5], which would filter the information transmitted to said PDAs units[6].

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[2] Applicant's specification page 8, lines 15-20; page 9 lines 12-18
[3] Dowling col 17, lines 60-67
[4] Dowling col 14, lines 59-67; col 17, lines 1-67
[5] Scimone col 8, lines 45-50

Therefore, <u>Dowling</u> teaches the adding of at least one product to the PDA mobile unit's acceptance data and <u>Scimone</u> teaches using PMI software (*i.e.* Microsoft Outlook) on PDAs to input acceptance data on said PDAs. For said reason the Examiner made the obviousness rejection of claim 1.

The Applicant argues that there is no teaching of any transfer of information from another program, particularly a PIM, to the <u>Dowling</u> system. The Examiner answers that <u>Dowling</u> does not have to teach a transfer of information from another program because <u>Scimone</u> teaches running PIM software (i.e. Microsoft Outlook) in PDAs, where said PMI software is used to enter users' acceptance data. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that <u>Dowling's</u> PDA mobile units would run PMI software, as taught by <u>Scimone</u> where said PMI software would make it easier to configure the users interest filter data.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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[6] Scimone col 9, lines 5-22

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The Examiner's Right fax number is 571-273-6720.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra

August 24, 2006

RETTA YEHDEGA
PRIMARY EXAMINER